

SENATE BILL NO. 60

INTRODUCED BY J. ESP

BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO ADOPT BY RULE THE NUMBER OF BEDS THAT A CRITICAL ACCESS HOSPITAL MAY HAVE, NOT TO EXCEED THE NUMBER OF BEDS ALLOWED BY FEDERAL LAW; DELETING THE LIMITATION ON THE NUMBER OF ACUTE CARE INPATIENT BEDS THAT A CRITICAL ACCESS HOSPITAL MAY HAVE; AMENDING SECTION 50-5-233, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-5-233, MCA, is amended to read:

"50-5-233. Designation of critical access hospitals -- adoption of rules. (1) The department may designate as a critical access hospital a facility that:

(a) is:

(i) located more than 35 road miles or, in the case of a facility located in mountainous terrain or where only secondary roads exist, more than 15 road miles from a hospital or another critical access hospital; or

(ii) a necessary provider of health care services to residents of the area where the facility is located;

(b) provides 24-hour emergency care that is necessary for ensuring access to emergency care services in the area served by the facility;

(c) ~~has no more than 15 acute care inpatient beds or, in the case of a facility with swing beds, 25 acute care inpatient beds, of which no more than 15 are used for acute care at any one time, for providing inpatient care for a period not exceeding 96 hours, as determined on an average, annual basis for each patient~~ complies with the bed limitations adopted by rule, not to exceed the number specified in 42 U.S.C. 1395i-4(c)(2)(B), (c)(2)(E), and (f);

(d) provides inpatient acute care for a period not exceeding 96 hours, as determined on an average, annual basis for each patient;

~~(d)~~(e) complies with the staffing requirements of 42 U.S.C. 1395i-4(c)(2)(B)(iv); and

~~(e)~~(f) operates a quality assessment and performance improvement program and follows appropriate

1 procedures for review of utilization of services as specified in 42 U.S.C. 1395x(aa)(2)(l).

2 (2) The department shall adopt rules to implement this section, including the following:

3 (a) standards for determining whether the facility qualifies as a necessary provider pursuant to
4 subsection (1)(a)(ii);

5 (b) standards for determining whether the 24-hour emergency care provided is necessary to ensure that
6 the area served by the facility has adequate access to emergency care services; ~~and~~

7 (c) procedures for applying for and receiving designation as a critical access hospital; and

8 (d) designation of the maximum number of beds allowed pursuant to subsection (1)(c) and consistent
9 with federal law."

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11 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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